



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

JUL 21 2011

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7011 0110 0001m3590 3796)

Mr. Chris Linendoll, E.I.T., Section Manager
Wastewater Permitting Section (MC-148)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Review of Draft Permit
TPDES Permit No. TXS000901 (WQ0004350000)
City of Fort Worth

Dear Mr. Linendoll:

We received the draft permit renewal for the City of Fort Worth on May 23, 2011. EPA has exercised its discretion in the review of this State-submitted draft permit and has chosen to perform a limited review on the stormwater requirements. As a result of our review, we have the following comments.

Public Education & Participation 122.34(b)(1) and (2)

The permit does not require the permittee(s) to evaluate education, outreach and participation measures.

Illicit Discharge Detection & Elimination - 122.34(b)(3)

Why does Part III, Section B.3.b(2) authorize an additional year for the permittee to list techniques used to detect illicit discharges and improper disposal and appropriate actions and enforcement procedures? Detection techniques & enforcement procedures are requirements of 122.26(d)(1)(v)(B) & 122.26(d)(2)(iv)(B).

"... procedures for locating priority areas likely to have illicit discharges;..." is required under 122.34(b)(3)(iv). The draft permit (Part III, Section B.3.e) does not specify that the plan must include prioritization procedures although it is insinuated.

Recommend reevaluation of allowing (Part III, Section B.3.a(3)(a)) – "...street wash water;... wash waters using only potable water, and which are similar in quality and character to street wash water..." as a miscellaneous, non-stormwater discharge that may be authorized for TXDOT activities. Also, why is "...other similar occasional incidental non-stormwater discharges,..." necessary if the permittee has already identified all categories of miscellaneous, non-SW discharges?

Construction 122.34(b)(4)

Part III, Section B.6, states that – "The permittee shall implement a program to reduce the discharge of pollutants into the MS4 from construction sites that are one or more acre(s) in size or that are part of a larger common plan of development or sale that is one acre or more in size..." Recommend modifying

language to be consistent with 122.26(b)(15)(i) – “...the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less of one and less than five acres.”

Draft permit does not require: 1) an ordinance or other regulatory mechanism to require erosion and sediment controls; 2) construction operators to develop SWP3s; 3) procedures for site plan review of sediment and erosion plans; or, 4) training for construction inspectors.

Post-Construction BMPs 122.34(b)(5)

Draft permit does not require or recommend: 1) pre-development runoff conditions to be determined or maintained; or, 2) policies or ordinances that minimize impervious surfaces.

Typographical errors

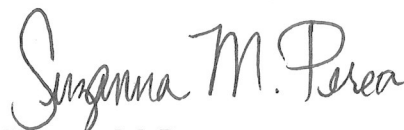
Fact Sheet VII.B.1, P.21 – Storm Event Discharge Monitoring: options 2 and 3 were not provided

Draft Permit IV.C.1.d, P.20 – Structural Control Maintenance was not a program element provided in Part III.B.4

Draft Permit IV.C.1.h(4), P.21 – “Wet Weather Characterization Program.” – should be “Storm Event Discharge Monitoring” to be consistent with Part III.B.8.d

Prior to finalizing this permit, please address the above comments and provide me with any changes to the draft permit. In addition, please forward to me any changes to the Fact Sheet. If you prefer, electronic versions of these documents can be sent instead of hard copies. Should you have any questions concerning these comments, please contact me at (214) 665-7217 or by email to perea.suzanna@epa.gov.

Sincerely,



Suzanna M. Perea
Stormwater/Green Infrastructure Coordinator
Smart Growth/Sustainable Communities Coordinator
Permits & Technical Assistance Section (6WQ-PP)
NPDES Permits and TMDLs Branch

cc (electronic): Firoj Vahora., Municipal Permits Team Leader (MC-148)
Wastewater Permitting Section Division, TCEQ